

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

December 17, 2001

D039118 Astra T. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Astra T. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case is dismissed.

D038864 In re Buckingham on Habeas Corpus

The petition is denied.

D038807 People v. Ellis

The appeal is dismissed as abandoned.

D037059 People v. Martinez

The judgment is reversed. Huffman, Acting P.J.; We Concur: Haller, J., McIntyre, J.

D038732 In re C.S., a Juvenile

The appeal is dismissed as abandoned.

D035311 Woods v. Board of Directors of Marina Park Condominium Association et al.

The judgment is affirmed. Respondent shall recover its reasonable attorney fees and costs incurred on appeal. This matter is remanded for a determination of the amount of fees and costs incurred on appeal to be awarded to the Association. Nares, J.; We Concur: Kremer, P.J., McIntyre, J.

D037231 Redevelopment Agency of the City of Chula Vista v. Rados Bros.

The judgment is reversed and the matter is remanded to the trial court for further proceedings in accordance with this opinion. The Agency is awarded costs on appeal. Huffman, Acting P.J.; We Concur: Nares, J., Haller, J.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

December 18, 2001

D038386 People v. Curra

Judgment affirmed. Kremer, P.J.; We Concur: Huffman, J., O'Rourke, J.

D038101 In re Teresa A., a Juvenile

Judgment affirmed. Huffman, J.; We Concur: Kremer, P.J., O'Rourke, J.

D037318 In re Johnathan S., a Juvenile

The judgment is affirmed. Kremer, P.J.; We Concur: Huffman, J., O'Rourke, J.

D037928 People v. Castro

Judgment affirmed. Huffman, J.; We Concur: Kremer, P.J., O'Rourke, J.

D037530 Hawkes v. Sommer

The petition for rehearing is denied.

D036378 People v. Winters

The abstract of judgment is ordered to be modified to reflect that Winters' third Penal Code section 667.5, subdivision (b) prison prior is stricken rather than stayed. In all other respects, the judgment is affirmed. Kremer, P.J.; We Concur: Benke, J., McDonald, J.

D039068 Santos D. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Santos D. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case is dismissed.

D039121 LeEtta G. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner LeEtta G. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case is dismissed.

D039076 Jamaica W. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Jamaica W. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case is dismissed.

D036160 Swiderski v. Milberg, Weiss, Bershad, Hynes & Lerach, LLP, et al.

The order granting new trial is reversed. The summary judgment is affirmed. The matter is remanded to the superior court to entertain proceedings to determine whether Swiderski has retained or waived his right to arbitrate his wrongful termination claim against defendants. Each side shall bear its own costs on appeal. CERTIFIED FOR PUBLICATION. Kremer, P.J.; We Concur: Haller, J., McIntyre, J.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

December 18, 2001

D039004 In re Orozco on Habeas Corpus

The petition is denied.

D036652 Sarafa v. PC Quote, Inc.

The petition for rehearing is denied.

D039005 Allison v. Superior Court of San Diego County/People

The petition is denied.

D036963 People v. Jennings

The judgment is affirmed. O'Rourke, J.; We Concur: Benke, Acting P.J., Huffman, J.

D037563 People v. Cooper

Upon filing an abandonment of appeal, personally signed by the defendant, the appeal is dismissed and the remittitur is ordered to issue immediately (Cal. Rules of Court, rule 38).

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

December 19, 2001

D038946 People v. Espinosa

Upon filing and abandonment of appeal, personally signed by the defendant, the appeal is dismissed and the remittitur is ordered to issue immediately (Cal. Rules of Court, rule 38).

D036632 Huber et al. v. Frank's Welding Services, Inc., et al.

The judgment is reversed. McIntyre, J.; We Concur: Nares, Acting P.J., Haller, J.

D034424 People v. Delpy

The judgment is affirmed as to the hit-and-run conviction and is reversed as to the remaining convictions and remanded. McIntyre, J.; We Concur: Kremer, P.J., Huffman, J.

D039167 People v. Cunningham

The appeal is dismissed.

D039047 In re the Marriage of Zaremba

The appeal is dismissed.

D036935 In re Rodney Brown on Habeas Corpus

Submission in the above-entitled cause is vacated. A draft opinion has been prepared; complex issues require further conferencing within the panel. The cause is resubmitted this day, December 19, 2001. Benke, APJ

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

December 20, 2001

D038180 Diamond Ridge Homeowners Association et al. v. Diamond Ridge Estates Investments et al./Jeld-Wen, Inc.

The judgment is reversed. Respondent to pay costs on appeal. O'Rourke, J.;
We Concur: Huffman, Acting P.J., McDonald, J.

D035748 Gutterud et al. v. Deveros et al./Murphy

The petition for rehearing is denied.

D039228 In re Adriana S., a Juvenile

The notice of appeal filed December 11, 2001 is dismissed as untimely.

D038404 Ellis et al. v. Louie/Hogan

The motion to lift the stay, dismiss the cross appeal and reinstate proceedings is granted. Appellant's opening brief is due 30 days after the date of this order. Cross-appellant's opening brief/respondent's brief is due 30 days thereafter. Appellants reply brief/cross-respondent's brief is due 20 days later.

D037080 In re the Marriage of V.

Order reversed, and the matter is remanded for proceedings consistent with this opinion. Louise to pay costs on appeal. Haller, J.; We Concur: Huffman, J., McIntyre, J.

D038587 City of San Diego et al. v. Furgatch/Teyssier

D038751 Furgatch v. City of San Diego et al.

D038879 Skane et al. v. City of San Diego et al./Public Facilities Financing Authority of the City of San Diego et al.

City of San Diego v. Furgatch, No. D038587, Furgatch v. City of San Diego, et al., No. D038751, and Skane, et al. v. City of San Diego, et al., No. D038879 are hereby consolidated for further filing of rule 5.1 appendices, briefing, and oral argument. No. D038587 is designated the lead case.

D037860 People v. Ellis

Judgment affirmed. Nares, J.; We Concur: Kremer, P.J., O'Rourke, J.

D037166 David Lee Bradley Productions, Inc. v. Henderson

The judgment is affirmed. Sanctions in the amount of \$1,000 are awarded as against counsel for Henderson. Respondent to recover its costs on appeal. Nares, J.; We Concur: Huffman, Acting P.J., Haller, J.

D037386 Brignac v. Hudson et al.

The judgment is affirmed. Nares, J.; We Concur: Huffman, Acting P.J., Haller, J.

D038437 In re Michael D. et al., Juveniles

The judgment is affirmed. Benke, J.; We Concur: Kremer, P.J., Nares, J.

D039054 In re Barnes on Habeas Corpus

The petition is denied.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

December 21, 2001

D038764 In re Singleton on Habeas Corpus

The petition is denied.

D038780 In re Singleton on Habeas Corpus

The petition is denied.

D037600 People v. Singleton

The judgment is affirmed. Nares, J.; We Concur: Huffman, Acting P.J., McIntyre, J.

D037570 People v. Chipner

The clerk of the superior court is ordered to modify the abstract of judgment to delete language indicating that the count 1 subordinate term of imprisonment included a consecutive one-year enhancement under section 12022(b)(1) and to reflect instead that the sentence on count 1 included a four-month enhancement under that section. The clerk is also directed to modify the abstract of judgment to delete language indicating that the count 6 subordinate term included a consecutive four-month enhancement under section 12022(b)(1), and thereby reflect instead that the sentence imposed on count 6 included no such enhancement. The clerk is further directed to modify the abstract of judgment to delete language indicating that Chipner was sentenced to an aggregate determinate term of 13 years 4 months in state prison and to reflect instead that he was sentenced to an aggregate determinate term of 12 years 4 months. The clerk is then directed to forward the corrected abstract to the Department of Corrections. The judgment is affirmed in all other respects. Nares, J.; We Concur: Huffman, Acting P.J., McIntyre, J.

D039173 People v. Singleton

The petition is denied.

D039185 Easton v. Baghebeh et al./Superior Court of San Diego County

Request for permission to appeal received by this court on December 14, 2001, is denied. (Code of Civ. Proc., section 391.7, subd. (b).) The appeal filed with the Superior Court on November 20, 2001, is dismissed.

D039061 In re Joseph on Habeas Corpus

The petition is denied.

D039122 B & B, LLC v. Superior Court of San Diego County/FCC Holdings Limited

The petition is denied.

D039064 In re Buenavista on Habeas Corpus

The petition is denied.

D038966 In re Palumbo on Habeas Corpus

The petition is denied.

D039256 Collage at Carmel Mountain Ranch Association v. Superior Court of San Diego County/The Presley Companies et al.

The petition is denied.